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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,830	05/06/2005	Paulus Thomas Van Zeijl	4011-9	1061
23117	7590	01/12/2006		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
			EXAMINER KINKEAD, ARNOLD M	
			ART UNIT 2817	PAPER NUMBER

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,830

Applicant(s)

VAN ZEIJL, PAULUS THOMAS

Examiner

Arnold M. Kinhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on prel amdt's.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7- 16 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to because reference to PCT/WO should be deleted(mark as " replacement sheet"). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as " amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either " Replacement Sheet" or " New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Please insert headings for the specification disclosure.

Claim Objections

1. Claims 1 , 7, 9 and 12 are objected to because of the following informalities: In claim 1, on line 11, " arid" should read—and--.

2. In claim 7, line 3, " devices" should read—device--.

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3. In claim 9, lines 2-3, “ at least comprising at least” should read—comprising at least—. In claim 12, line 2, “ translator” should read – transistor--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- 4,7,8,10-13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Merrill(US6,137,374).

The reference by Merrill discloses an oscillator circuit that maybe used in remote control(wireless devices, see background), see figure 1, comprising a resonator(22), level shifter(with switching, i.e., transistor switching) for conditioning the output of the oscillator(due to the inherent threshold levels, see col.3, lines 5-30). This level shifter, will function properly due to the ability of the circuit disclosed to stay within the levels of operation during both normal and low power sessions as described in col. 3. A DC biasing (for dropping the level of energy to the amp 14 contact, please see col. 2, lines 63-col. 3, line 3, for use of voltage regulators...switch means) which allow for the high and low level states of oscillator function. The figure 2 waveform showing substantially zero volts at the low level. The oscillator circuit has the amp 14 with feedback as is conventional with resistor(20). A load resistor R is shown on the output of the level shift device. The method steps being inherent.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill (' 374) in view of Pope(US 6,163,228).

The reference by Merrill discloses an oscillator circuit that maybe used in remote control(wireless devices, see background), see figure 1, comprising a resonator(22), level shifter(with switching, i.e., transistor switching) for conditioning the output of the oscillator(due to the inherent threshold levels, see col.3, lines 5-30). This level shifter, will function properly due to the ability of the circuit disclosed to stay within the levels of operation during both normal and low power sessions as described in col. 3. A DC biasing (for dropping the level of energy to the amp 14 contact, please see col. 2, lines 63-col. 3, line 3, for use of voltage regulators...switch means) which allow for the high and low level states of oscillator function. The figure 2 waveform showing substantially zero volts at the low level. The oscillator circuit has the amp 14 with feedback as is conventional with resistor(20). A load resistor R is shown on the output of the level shift device. The method steps being inherent.

The reference does not show a current source coupled to switch means(regulator) and the use of a transistor as a negative resistance device(active device-amp). With regards to these conventional embodiments, the reference by

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Pope is relied upon to show use of such. In the sole figure, dealing with the same power consumption problem, a negative resistance device(Q1) is shown with feedback for the active device and a current source(R103), that is a current is developed through the resistor for biasing the switch Q2. These are conventional arrangements and allow for the proper biasing and circuit operation.

In light of the above it would have been obvious for one of ordinary skill in the art to have recognized that the biasing and active devices of Merrill may be modified to make use of other conventional oscillator designs for the elements described above; the results for the power conditioning remain the same that is less power is consumed regardless of biasing and amplifier type.

Allowable Subject Matter

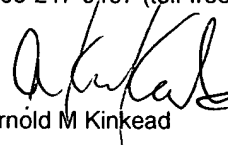
8. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold M. Kinhead whose telephone number is 571-272-1763. The examiner can normally be reached on Mon-Fri, 8:30 am -5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnold M Kinkead

Primary Examiner

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Arnold Kinkead

Jan 06, 2006